

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1950*

House Bill No. 1977

by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following:

(f)(1) Except as provided in subdivision (f)(4), if a the motor vehicle operator's license of a person age sixteen (16) or over but under age twenty-one (21) has been suspended pursuant to subsection (d) and such suspension is the result of such person's first conviction or adjudication for violating this section, the trial judge, using the same procedure used under Tennessee Code Annotated, Section 55-10-403 (d), is vested with the authority and discretion to order the issuance of a restricted license allowing the person age sixteen (16) or over but under age twenty-one (21) so convicted or adjudicated to operate a motor vehicle for the limited purposes of going:

(A) To and from and working at the regular place of employment of such person age sixteen (16) or over but under age twenty-one (21);

(B) To and from and attending a court-ordered alcohol safety program; or

(C) To and from a high school, college or university in the case of a student age sixteen (16) or over but under age twenty-one (21) enrolled full time in a high school, college or university.

(2) A Tennessee resident age sixteen (16) or over but under age twenty-one (21), whose operator's license has been suspended because of a conviction or adjudication in another jurisdiction for the offense of driving while impaired, may apply to a judge of any court of the county of such person's residence having jurisdiction to try

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such charges for a restricted motor vehicle operator's license. The judge, using the same procedure used under Tennessee Code Annotated, Section 55-10-403(d), has the discretion to order the issuance of a restricted motor vehicle operator's license allowing the person age sixteen (16) or over but under age twenty-one (21), so convicted or adjudicated to operate a motor vehicle for the limited purposes of going:

(A) To and from and working at the regular place of employment of such person age sixteen (16) or over but under age twenty-one (21);

(B) To and from and attending a court-ordered alcohol safety program; or

(C) To and from a high school, college or university in the case of a student age sixteen (16) or over but under age twenty-one (21) enrolled full time in a high school, college or university.

A copy of the judgment of conviction or adjudication of delinquency certified by the court which tried the case must accompany an application for a restricted license under subsection (f)(2) of this section and the conviction or adjudication for driving while impaired must be the first such conviction or adjudication in any jurisdiction for such person age sixteen (16) or over but under age twenty-one (21).

(3) An order issued under subsection (f)(1) or (f)(2) shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be prescribed within ten (10) days after the date of conviction or adjudication to the department of safety, accompanied by a fee of sixty-five dollars (\$65.00). The department shall

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forthwith issue a restricted license embodying the limitations imposed upon the person age sixteen (16) or over but under age twenty-one (21) so convicted or adjudicated; provided, that such person shall first successfully complete a driver's license examination. After proper application, and until such time as the restricted license is issued, a certified copy of the order or judgment of the court may serve in lieu of the motor vehicle operator's license.

(4) If during the course of conduct which was the basis for a conviction or adjudication of a driver age sixteen (16) or over but under age twenty-one (21) for the offense of driving while impaired, another person is killed or suffers serious bodily injury as the proximate result of such driver's impairment, such driver age sixteen (16) or over but under age twenty-one (21) shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (d) has expired, notwithstanding the fact that it may be such driver's first such conviction or adjudication.

(5) Any person age sixteen (16) or over but under age twenty-one (21) whose motor vehicle operator's license has been suspended pursuant to subsection (d) and whose suspension is the result of a second or subsequent conviction or adjudication for driving while impaired, shall not be eligible for, nor shall the court have the authority to grant or order, the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (d) has expired.

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FURTHER AMEND by deleting SECTION 2 in its entirety and by renumbering SECTION 3 accordingly.

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